

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 changing Section 21 as follows:

6 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

7 Sec. 21. Prohibited acts. No person shall:

8 (a) Cause or allow the open dumping of any waste.

9 (b) Abandon, dump, or deposit any waste upon the public
10 highways or other public property, except in a sanitary
11 landfill approved by the Agency pursuant to regulations adopted
12 by the Board.

13 (c) Abandon any vehicle in violation of the "Abandoned
14 Vehicles Amendment to the Illinois Vehicle Code", as enacted by
15 the 76th General Assembly.

16 (d) Conduct any waste-storage, waste-treatment, or
17 waste-disposal operation:

18 (1) without a permit granted by the Agency or in
19 violation of any conditions imposed by such permit,
20 including periodic reports and full access to adequate
21 records and the inspection of facilities, as may be
22 necessary to assure compliance with this Act and with
23 regulations and standards adopted thereunder; provided,

1 however, that, except for municipal solid waste landfill
2 units that receive waste on or after October 9, 1993, no
3 permit shall be required for (i) any person conducting a
4 waste-storage, waste-treatment, or waste-disposal
5 operation for wastes generated by such person's own
6 activities which are stored, treated, or disposed within
7 the site where such wastes are generated, or (ii) a
8 facility located in a county with a population over 700,000
9 as of January 1, 2000, operated and located in accordance
10 with Section 22.38 of this Act, and used exclusively for
11 the transfer, storage, or treatment of general
12 construction or demolition debris, provided that the
13 facility was receiving construction or demolition debris
14 on the effective date of this amendatory Act of the 96th
15 General Assembly;

16 (2) in violation of any regulations or standards
17 adopted by the Board under this Act; or

18 (3) which receives waste after August 31, 1988, does
19 not have a permit issued by the Agency, and is (i) a
20 landfill used exclusively for the disposal of waste
21 generated at the site, (ii) a surface impoundment receiving
22 special waste not listed in an NPDES permit, (iii) a waste
23 pile in which the total volume of waste is greater than 100
24 cubic yards or the waste is stored for over one year, or
25 (iv) a land treatment facility receiving special waste
26 generated at the site; without giving notice of the

1 operation to the Agency by January 1, 1989, or 30 days
2 after the date on which the operation commences, whichever
3 is later, and every 3 years thereafter. The form for such
4 notification shall be specified by the Agency, and shall be
5 limited to information regarding: the name and address of
6 the location of the operation; the type of operation; the
7 types and amounts of waste stored, treated or disposed of
8 on an annual basis; the remaining capacity of the
9 operation; and the remaining expected life of the
10 operation.

11 Item (3) of this subsection (d) shall not apply to any
12 person engaged in agricultural activity who is disposing of a
13 substance that constitutes solid waste, if the substance was
14 acquired for use by that person on his own property, and the
15 substance is disposed of on his own property in accordance with
16 regulations or standards adopted by the Board.

17 This subsection (d) shall not apply to hazardous waste.

18 (e) Dispose, treat, store or abandon any waste, or
19 transport any waste into this State for disposal, treatment,
20 storage or abandonment, except at a site or facility which
21 meets the requirements of this Act and of regulations and
22 standards thereunder.

23 (f) Conduct any hazardous waste-storage, hazardous
24 waste-treatment or hazardous waste-disposal operation:

25 (1) without a RCRA permit for the site issued by the
26 Agency under subsection (d) of Section 39 of this Act, or

1 in violation of any condition imposed by such permit,
2 including periodic reports and full access to adequate
3 records and the inspection of facilities, as may be
4 necessary to assure compliance with this Act and with
5 regulations and standards adopted thereunder; or

6 (2) in violation of any regulations or standards
7 adopted by the Board under this Act; or

8 (3) in violation of any RCRA permit filing requirement
9 established under standards adopted by the Board under this
10 Act; or

11 (4) in violation of any order adopted by the Board
12 under this Act.

13 Notwithstanding the above, no RCRA permit shall be required
14 under this subsection or subsection (d) of Section 39 of this
15 Act for any person engaged in agricultural activity who is
16 disposing of a substance which has been identified as a
17 hazardous waste, and which has been designated by Board
18 regulations as being subject to this exception, if the
19 substance was acquired for use by that person on his own
20 property and the substance is disposed of on his own property
21 in accordance with regulations or standards adopted by the
22 Board.

23 (g) Conduct any hazardous waste-transportation operation:

24 (1) without registering with and obtaining a special
25 waste hauling permit from the Agency in accordance with the
26 regulations adopted by the Board under this Act; or

1 (2) in violation of any regulations or standards
2 adopted by the Board under this Act.

3 (h) Conduct any hazardous waste-recycling or hazardous
4 waste-reclamation or hazardous waste-reuse operation in
5 violation of any regulations, standards or permit requirements
6 adopted by the Board under this Act.

7 (i) Conduct any process or engage in any act which produces
8 hazardous waste in violation of any regulations or standards
9 adopted by the Board under subsections (a) and (c) of Section
10 22.4 of this Act.

11 (j) Conduct any special waste transportation operation in
12 violation of any regulations, standards or permit requirements
13 adopted by the Board under this Act. However, sludge from a
14 water or sewage treatment plant owned and operated by a unit of
15 local government which (1) is subject to a sludge management
16 plan approved by the Agency or a permit granted by the Agency,
17 and (2) has been tested and determined not to be a hazardous
18 waste as required by applicable State and federal laws and
19 regulations, may be transported in this State without a special
20 waste hauling permit, and the preparation and carrying of a
21 manifest shall not be required for such sludge under the rules
22 of the Pollution Control Board. The unit of local government
23 which operates the treatment plant producing such sludge shall
24 file a semiannual report with the Agency identifying the volume
25 of such sludge transported during the reporting period, the
26 hauler of the sludge, and the disposal sites to which it was

1 transported. This subsection (j) shall not apply to hazardous
2 waste.

3 (k) Fail or refuse to pay any fee imposed under this Act.

4 (l) Locate a hazardous waste disposal site above an active
5 or inactive shaft or tunneled mine or within 2 miles of an
6 active fault in the earth's crust. In counties of population
7 less than 225,000 no hazardous waste disposal site shall be
8 located (1) within 1 1/2 miles of the corporate limits as
9 defined on June 30, 1978, of any municipality without the
10 approval of the governing body of the municipality in an
11 official action; or (2) within 1000 feet of an existing private
12 well or the existing source of a public water supply measured
13 from the boundary of the actual active permitted site and
14 excluding existing private wells on the property of the permit
15 applicant. The provisions of this subsection do not apply to
16 publicly-owned sewage works or the disposal or utilization of
17 sludge from publicly-owned sewage works.

18 (m) Transfer interest in any land which has been used as a
19 hazardous waste disposal site without written notification to
20 the Agency of the transfer and to the transferee of the
21 conditions imposed by the Agency upon its use under subsection
22 (g) of Section 39.

23 (n) Use any land which has been used as a hazardous waste
24 disposal site except in compliance with conditions imposed by
25 the Agency under subsection (g) of Section 39.

26 (o) Conduct a sanitary landfill operation which is required

1 to have a permit under subsection (d) of this Section, in a
2 manner which results in any of the following conditions:

3 (1) refuse in standing or flowing waters;

4 (2) leachate flows entering waters of the State;

5 (3) leachate flows exiting the landfill confines (as
6 determined by the boundaries established for the landfill
7 by a permit issued by the Agency);

8 (4) open burning of refuse in violation of Section 9 of
9 this Act;

10 (5) uncovered refuse remaining from any previous
11 operating day or at the conclusion of any operating day,
12 unless authorized by permit;

13 (6) failure to provide final cover within time limits
14 established by Board regulations;

15 (7) acceptance of wastes without necessary permits;

16 (8) scavenging as defined by Board regulations;

17 (9) deposition of refuse in any unpermitted portion of
18 the landfill;

19 (10) acceptance of a special waste without a required
20 manifest;

21 (11) failure to submit reports required by permits or
22 Board regulations;

23 (12) failure to collect and contain litter from the
24 site by the end of each operating day;

25 (13) failure to submit any cost estimate for the site
26 or any performance bond or other security for the site as

1 required by this Act or Board rules.

2 The prohibitions specified in this subsection (o) shall be
3 enforceable by the Agency either by administrative citation
4 under Section 31.1 of this Act or as otherwise provided by this
5 Act. The specific prohibitions in this subsection do not limit
6 the power of the Board to establish regulations or standards
7 applicable to sanitary landfills.

8 (p) In violation of subdivision (a) of this Section, cause
9 or allow the open dumping of any waste in a manner which
10 results in any of the following occurrences at the dump site:

11 (1) litter;

12 (2) scavenging;

13 (3) open burning;

14 (4) deposition of waste in standing or flowing waters;

15 (5) proliferation of disease vectors;

16 (6) standing or flowing liquid discharge from the dump
17 site;

18 (7) deposition of:

19 (i) general construction or demolition debris as
20 defined in Section 3.160(a) of this Act; or

21 (ii) clean construction or demolition debris as
22 defined in Section 3.160(b) of this Act.

23 The prohibitions specified in this subsection (p) shall be
24 enforceable by the Agency either by administrative citation
25 under Section 31.1 of this Act or as otherwise provided by this
26 Act. The specific prohibitions in this subsection do not limit

1 the power of the Board to establish regulations or standards
2 applicable to open dumping.

3 (q) Conduct a landscape waste composting operation without
4 an Agency permit, provided, however, that no permit shall be
5 required for any person:

6 (1) conducting a landscape waste composting operation
7 for landscape wastes generated by such person's own
8 activities which are stored, treated or disposed of within
9 the site where such wastes are generated; or

10 (2) applying landscape waste or composted landscape
11 waste at agronomic rates; or

12 (3) operating a landscape waste composting facility on
13 a farm, if the facility meets all of the following
14 criteria:

15 (A) the composting facility is operated by the
16 farmer on property on which the composting material is
17 utilized, and the composting facility constitutes no
18 more than 2% of the property's total acreage, except
19 that the Board may allow a higher percentage for
20 individual sites where the owner or operator has
21 demonstrated to the Board that the site's soil
22 characteristics or crop needs require a higher rate;

23 (A-1) the composting facility accepts from other
24 agricultural operations for composting with landscape
25 waste no materials other than uncontaminated and
26 source-separated (i) crop residue and other

1 agricultural plant residue generated from the
2 production and harvesting of crops and other customary
3 farm practices, including, but not limited to, stalks,
4 leaves, seed pods, husks, bagasse, and roots and (ii)
5 plant-derived animal bedding, such as straw or
6 sawdust, that is free of manure and was not made from
7 painted or treated wood;

8 (A-2) any composting additives that the composting
9 facility accepts and uses at the facility are necessary
10 to provide proper conditions for composting and do not
11 exceed 10% of the total composting material at the
12 facility at any one time;

13 (B) the property on which the composting facility
14 is located, and any associated property on which the
15 compost is used, is principally and diligently devoted
16 to the production of agricultural crops and is not
17 owned, leased or otherwise controlled by any waste
18 hauler or generator of nonagricultural compost
19 materials, and the operator of the composting facility
20 is not an employee, partner, shareholder, or in any way
21 connected with or controlled by any such waste hauler
22 or generator;

23 (C) all compost generated by the composting
24 facility is applied at agronomic rates and used as
25 mulch, fertilizer or soil conditioner on land actually
26 farmed by the person operating the composting

1 facility, and the finished compost is not stored at the
2 composting site for a period longer than 18 months
3 prior to its application as mulch, fertilizer, or soil
4 conditioner;

5 (D) the owner or operator, by ~~January 1, 1990 (or~~
6 ~~the January 1 following commencement of operation,~~
7 ~~whichever is later)~~ and January 1 of each year
8 thereafter, (i) registers the site with the Agency,
9 (ii) reports to the Agency on the volume of composting
10 material received and used at the site, (iii) certifies
11 to the Agency that the site complies with the
12 requirements set forth in subparagraphs (A), (A-1),
13 (A-2), (B), (C) of this paragraph (q) (3), and (iv)
14 certifies to the Agency that all composting material:

15 (I) was placed more than 200 feet from the
16 nearest potable water supply well;

17 (II) was placed outside the boundary of the
18 10-year floodplain or on a part of the site that is
19 floodproofed;

20 (III) was placed either (aa) at least 1/4 mile
21 from the nearest residence (other than a residence
22 located on the same property as the facility) and
23 there are not more than 10 occupied non-farm
24 residences within 1/2 mile of the boundaries of the
25 site on the date of application or (bb) a lesser
26 distance from the nearest residence (other than a

1 residence located on the same property as the
2 facility) provided that the municipality or county
3 in which the facility is located has by ordinance
4 approved a lesser distance than 1/4 mile and there
5 are not more than 10 occupied non-farm residences
6 within 1/2 mile of the boundaries of the site on
7 the date of application; and

8 (IV) was placed more than 5 feet above the
9 water table.

10 Any ordinance approving a residential setback of
11 less than 1/4 mile that is used to meet the
12 requirements of this subparagraph (D) must
13 specifically reference this subparagraph.

14 For the purposes of this subsection (q), "agronomic rates"
15 means the application of not more than 20 tons per acre per
16 year, except that the Board may allow a higher rate for
17 individual sites where the owner or operator has demonstrated
18 to the Board that the site's soil characteristics or crop needs
19 require a higher rate.

20 (r) Cause or allow the storage or disposal of coal
21 combustion waste unless:

22 (1) such waste is stored or disposed of at a site or
23 facility for which a permit has been obtained or is not
24 otherwise required under subsection (d) of this Section; or

25 (2) such waste is stored or disposed of as a part of
26 the design and reclamation of a site or facility which is

1 an abandoned mine site in accordance with the Abandoned
2 Mined Lands and Water Reclamation Act; or

3 (3) such waste is stored or disposed of at a site or
4 facility which is operating under NPDES and Subtitle D
5 permits issued by the Agency pursuant to regulations
6 adopted by the Board for mine-related water pollution and
7 permits issued pursuant to the Federal Surface Mining
8 Control and Reclamation Act of 1977 (P.L. 95-87) or the
9 rules and regulations thereunder or any law or rule or
10 regulation adopted by the State of Illinois pursuant
11 thereto, and the owner or operator of the facility agrees
12 to accept the waste; and either

13 (i) such waste is stored or disposed of in
14 accordance with requirements applicable to refuse
15 disposal under regulations adopted by the Board for
16 mine-related water pollution and pursuant to NPDES and
17 Subtitle D permits issued by the Agency under such
18 regulations; or

19 (ii) the owner or operator of the facility
20 demonstrates all of the following to the Agency, and
21 the facility is operated in accordance with the
22 demonstration as approved by the Agency: (1) the
23 disposal area will be covered in a manner that will
24 support continuous vegetation, (2) the facility will
25 be adequately protected from wind and water erosion,
26 (3) the pH will be maintained so as to prevent

1 excessive leaching of metal ions, and (4) adequate
2 containment or other measures will be provided to
3 protect surface water and groundwater from
4 contamination at levels prohibited by this Act, the
5 Illinois Groundwater Protection Act, or regulations
6 adopted pursuant thereto.

7 Notwithstanding any other provision of this Title, the
8 disposal of coal combustion waste pursuant to item (2) or (3)
9 of this subdivision (r) shall be exempt from the other
10 provisions of this Title V, and notwithstanding the provisions
11 of Title X of this Act, the Agency is authorized to grant
12 experimental permits which include provision for the disposal
13 of wastes from the combustion of coal and other materials
14 pursuant to items (2) and (3) of this subdivision (r).

15 (s) After April 1, 1989, offer for transportation,
16 transport, deliver, receive or accept special waste for which a
17 manifest is required, unless the manifest indicates that the
18 fee required under Section 22.8 of this Act has been paid.

19 (t) Cause or allow a lateral expansion of a municipal solid
20 waste landfill unit on or after October 9, 1993, without a
21 permit modification, granted by the Agency, that authorizes the
22 lateral expansion.

23 (u) Conduct any vegetable by-product treatment, storage,
24 disposal or transportation operation in violation of any
25 regulation, standards or permit requirements adopted by the
26 Board under this Act. However, no permit shall be required

1 under this Title V for the land application of vegetable
2 by-products conducted pursuant to Agency permit issued under
3 Title III of this Act to the generator of the vegetable
4 by-products. In addition, vegetable by-products may be
5 transported in this State without a special waste hauling
6 permit, and without the preparation and carrying of a manifest.

7 (v) (Blank).

8 (w) Conduct any generation, transportation, or recycling
9 of construction or demolition debris, clean or general, or
10 uncontaminated soil generated during construction, remodeling,
11 repair, and demolition of utilities, structures, and roads that
12 is not commingled with any waste, without the maintenance of
13 documentation identifying the hauler, generator, place of
14 origin of the debris or soil, the weight or volume of the
15 debris or soil, and the location, owner, and operator of the
16 facility where the debris or soil was transferred, disposed,
17 recycled, or treated. This documentation must be maintained by
18 the generator, transporter, or recycler for 3 years. This
19 subsection (w) shall not apply to (1) a permitted pollution
20 control facility that transfers or accepts construction or
21 demolition debris, clean or general, or uncontaminated soil for
22 final disposal, recycling, or treatment, (2) a public utility
23 (as that term is defined in the Public Utilities Act) or a
24 municipal utility, (3) the Illinois Department of
25 Transportation, or (4) a municipality or a county highway
26 department, with the exception of any municipality or county

1 highway department located within a county having a population
2 of over 3,000,000 inhabitants or located in a county that is
3 contiguous to a county having a population of over 3,000,000
4 inhabitants; but it shall apply to an entity that contracts
5 with a public utility, a municipal utility, the Illinois
6 Department of Transportation, or a municipality or a county
7 highway department. The terms "generation" and "recycling" as
8 used in this subsection do not apply to clean construction or
9 demolition debris when (i) used as fill material below grade
10 outside of a setback zone if covered by sufficient
11 uncontaminated soil to support vegetation within 30 days of the
12 completion of filling or if covered by a road or structure,
13 (ii) solely broken concrete without protruding metal bars is
14 used for erosion control, or (iii) milled asphalt or crushed
15 concrete is used as aggregate in construction of the shoulder
16 of a roadway. The terms "generation" and "recycling", as used
17 in this subsection, do not apply to uncontaminated soil that is
18 not commingled with any waste when (i) used as fill material
19 below grade or contoured to grade, or (ii) used at the site of
20 generation.

21 (Source: P.A. 96-611, eff. 8-24-09; 97-220, eff. 7-28-11.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.